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EAST TIMOR

Working paper prepared by the Secretariat

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EAST TIMOR

1. GENERAL

1. The island of Timor is located at the tip of the chain of islands forming the Republic of Indonesia. It lies between latitudes 8° 17'S and 10° 22'S and longitudes 123° 25'E and 127° 19'E. The Territory of East Timor comprises the eastern part of the island, the enclave of Oecusse Ambeno, the island of Ataúro off the northern coast and the uninhabited island of Jaco off the extreme eastern tip.

2. The 1970 census recorded the total population of the Territory as 610,541 and in 1974 it was officially estimated at 653,211.

2. CONSTITUTIONAL STATUS AND ADMINISTRATION

3. Prior to the change of Government in Portugal on 25 April 1974, under the Portuguese Constitution, East Timor was considered an "overseas province" of Portugal. 1/ The basic structure of the territorial Government was set out in the Overseas Organic Law of 1972. 2/

4. Following the change of régime in Portugal, the Portuguese Government reaffirmed its obligations under Chapter XI of the Charter of the United Nations and, on 24 July 1974, the Council of State of Portugal approved a constitutional law abrogating the former territorial definition of the Republic of Portugal and acknowledging the right to self-determination, including independence, of the Territories under Portuguese administration.

5. By Law 7/75 (July 1975), the Portuguese Government provided for the formation of a transitional Government in East Timor to prepare for the election of a popular assembly in October 1976. Law 7/75 envisaged that Portuguese sovereignty would be terminated in October 1978, unless some other agreement was reached between Portugal and the popular assembly.

6. As reported previously, 3/ during the second half of 1975 a civil war erupted in the Territory. On 28 November 1975, the Frente Revolucionária de Timor Leste Independente (FRETILIN), which was reported to be in control of most of the Territory, declared the independence of East Timor and the

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1/ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1), vol. III, chap. X, annex II, A, paras. 32-59.

2/ Ibid., Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), vol. III, chap. IX, annex I, F, paras. 12-19.

3/ Ibid., Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), vol. II, chap. X, annex, paras. 8-12.

establishment of the "Democratic Republic of East Timor". On 30 November 1975, a coalition of pro-Indonesian parties also proclaimed the independence of the Territory and its integration with Indonesia. The coalition comprised the Associação Popular Democrática de Timor (APODETI), the União Democrática Timorense (UDT), the Klibur Oan Timor Aswain (KOTA) and the Partido Trabalhista.

7. On 7 December 1975, the administering Power informed the Security Council that Indonesian naval, air and land forces had launched an offensive action against East Timor. 4/ On 17 December, the pro-Indonesian parties declared the establishment of a "Provisional Government of East Timor" at Dili, the Territory's capital. On 30 December, Ataúro Island, to which the Portuguese administration of the Territory had withdrawn in August, was occupied by troops said to be led by Indonesians.

8. During the first half of 1976, the pro-Indonesian parties gradually increased their control of the urban areas of the Territory. In May of that year, elections organized by the "Provisional Government" took place in the areas under its control to elect a "Regional Popular Assembly". On 31 May, at its only meeting at Dili, the "Regional Popular Assembly" decided to petition Indonesia formally to integrate the Territory with that country.

9. It will be recalled that invitations were extended to the Special Committee by the "Provisional Government of East Timor" to attend the meeting of the "Regional Popular Assembly" (see A/AC.109/526) and by the Permanent Representative of Indonesia to the United Nations, on behalf of his Government, to visit East Timor concurrently with a mission to be sent by the Indonesian Government (see A/AC.109/527). After consultations with the members of the Special Committee, the Chairman stated that the Committee was not in a position to respond to these invitations by dispatching a mission to East Timor because: (a) in dealing with the question of East Timor, as with any other Non-Self-Governing Territory, the Committee was guided by relevant General Assembly resolutions; (b) the Security Council remained seized of the situation in East Timor; (c) the Special Representative of the Secretary-General was continuing the assignment entrusted to him under Security Council resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976; and (d) the Committee had in no way been involved in the proceedings leading up to the announced meeting of the "Regional National Assembly".

10. In a telegram transmitted to the Secretary-General on 6 August 1976 by the Permanent Mission of Indonesia to the United Nations, 5/ Mr. Arnaldo dos Reis Araújo, signing as "Former Chief Executive of the Provisional Government of East Timor", informed the Secretary-General that "as of 17 July 1976 all matters pertaining to the Territory of East Timor have come under the jurisdiction of the Government of the Republic of Indonesia".

4/ Official Records of the Security Council, Thirtieth Year, Supplement for October, November and December 1975, document S/11899.

5/ Ibid., Thirty-first Year, Supplement for July, August and September 1976, document S/12170, annex.

11. Portugal has never relinquished its authority as administering Power of the Territory and the United Nations has neither recognized the authority of the "Regional Popular Assembly" nor endorsed its decision. Nevertheless, on 17 July 1976, the President of Indonesia promulgated Law 7/76 providing for the integration of East Timor into the Republic of Indonesia and the establishment of East Timor as the twenty-seventh province of that country.

12. Speaking in the general debate at the thirty-first session of the General Assembly, the representative of Indonesia said that the paramount interests of the inhabitants of East Timor had been translated by the people of the Territory into their declaration to integrate with the Republic of Indonesia, expressed in a manner of their own choosing and in conformity with their traditional institutions. Consequently, the people of East Timor had exercised their right to self-determination in accordance with the provisions of the Charter of the United Nations and of General Assembly resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960. They had become independent through integration with the Republic of Indonesia on 17 July 1976. 6/

13. Since the thirty-first session of the General Assembly, during which the Assembly adopted resolution 31/53 of 1 December 1976, Indonesia has maintained the position that the people of East Timor have already exercised their right to self-determination. Indonesia claims that, as from 17 July 1976, whatever has happened in East Timor has become an internal affair of Indonesia. Thus, Indonesia could not accept the discussion of East Timor in any international forum, including the United Nations. 7/

14. In April 1977, Portugal informed the United Nations that the effective exercise of Portuguese sovereignty over the Territory had ceased in August 1975 when, owing to certain violent incidents which had taken place in the Territory, the Governor of East Timor and his aides had been compelled to leave the Territory. The presence of Indonesian armed forces in East Timor since December 1975 had also impeded the Portuguese Government from exercising effective administration of the Territory. Every subsequent year the Portuguese Government has apprised the Secretary-General of the fact that, owing to the conditions still prevailing in East Timor, it was not able to supply any information relating to economic, social and educational conditions in the Territory, as required under Article 73 e of the Charter of the United Nations. 8/

6/ Official Records of the General Assembly, Thirty-first Session, Plenary Meetings, 18th and 19th meetings.

7/ Ibid., 85th meeting.

8/ A/32/73, A/33/75, A/34/311 and A/35/233. Owing to the lack of official information from the administering Power, the supplementary information contained in the following sections of this paper has been derived from published reports.

3. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS THIRTY-FIFTH SESSION

15. During the general debate at the thirty-fifth session of the General Assembly, Mr. Diogo Freitas do Amaral, Vice-Prime Minister and Minister for Foreign Affairs of Portugal, stressed that the question of East Timor had to be solved in accordance with the principle of self-determination and within the framework of the United Nations. He indicated his country's readiness to co-operate closely with the United Nations and all interested parties in searching for a solution. Because Portugal could not and did not wish to renege on its responsibilities towards the Timorese people, the Portuguese Government had announced a plan of action that would shortly be implemented (see paras. 21-24 below). Mr. Freitas do Amaral expressed concern regarding the humanitarian problems that had arisen out of the situation in East Timor and expressed the hope that those problems could begin to be properly tackled and finally solved through negotiations. 9/

16. At the same session, the representative of Indonesia, during the debate in the Fourth Committee, said that any discussion of the question of East Timor constituted "unwarranted interference in Indonesia's internal affairs". The decision of the people of East Timor to integrate with Indonesia had been taken on the soil of East Timor itself by the people of that Territory in the exercise of their right to self-determination and had been accepted by the Indonesian people through their Parliament and Government. Indonesia was not prepared to enter into discussion with anyone on that irrevocable decision. 10/

17. Mr. Mari Alkatiri, Secretary for External Relations of FRETELIN, addressed the Fourth Committee on 22 October 1980. 11/ In his statement Mr. Alkatiri told the Committee that for five years the people of East Timor had been fighting heroically for their rights and, despite enormous losses, had gained victories while inflicting heavy losses on the Indonesian army. The fight of the people of East Timor was gaining ever-increasing international support. The United States of America and the Western European countries should call on Indonesia to end the war in East Timor and apply the relevant General Assembly resolutions.

18. Mr. Alkatiri called on the Indonesian Government to acknowledge its mistake and to have the courage to put an end to the war. He said that the people of East Timor were prepared to bury the past and the FRETILIN leadership was prepared for a dialogue with the Government of Portugal, which had made a proposal that could lead to peace. FRETILIN was prepared for a constructive dialogue with all the Governments concerned with a view to the application of the relevant General Assembly resolutions.

9/ Official Records of the General Assembly, Thirty-fifth Session, Plenary Meeting, 31st meeting.

10/ Ibid., Fourth Committee, 19th meeting, paras. 32 and 51-52.

11/ Ibid., 14th meeting, paras. 9-11.

19. On 11 November 1980, the General Assembly adopted resolution 35/27, by which it reaffirmed the inalienable right of the people of East Timor to self-determination and independence; declared that the people of East Timor must be enabled freely to determine their own future within the framework of the United Nations; welcomed the diplomatic initiative taken by the Government of Portugal as a first step towards the free exercise by the people of East Timor of their right to self-determination and independence, and urged all parties directly concerned to co-operate fully with a view to creating the conditions necessary for the speedy implementation of resolution 1514 (XV); expressed its deepest concern at the continued suffering of the people of East Timor; requested the United Nations Children's Fund (UNICEF), the World Food Programme (WFP) and the Office of the United Nations High Commissioner for Refugees (UNHCR) to render assistance to the people, and particularly the children, of East Timor; requested the Secretary-General to follow the implementation of the resolution; and decided to include an item entitled "Question of East Timor" in the provisional agenda of its thirty-sixth session.

20. After the vote was taken on the resolution, the representative of Indonesia stated that his delegation rejected the resolution, which constituted unwarranted interference in the internal affairs of Indonesia. He reaffirmed that East Timor was no longer a colonial Territory, as its people had decided to integrate with Indonesia. In addition, the process of decolonization had been carried out in accordance with the provisions of the relevant General Assembly resolutions and the Charter. 12/

4. POLITICAL DEVELOPMENTS

21. On 12 September 1980, the Council of Ministers of the Government of Portugal issued a communiqué on the question of East Timor (A/C.4/35/2, annex). The Council, considering that it was morally, politically and legally incumbent upon Portugal to define a policy aimed at solving the problem of East Timor and considering that such definition had not been undertaken in the past, set forth a policy focusing on three fundamental levels as summarized below.

22. With regard to economic and social aid for refugees from East Timor living in Portugal, the Portuguese Government adopted an emergency aid programme which included the carrying out of housing projects already under way; government aid for the launching of a project in poultry farming; the establishment of additional courses aimed at developing professional skills, especially among young Timorese adults; and the allocation of means to the Ministry of Education and Science to resolve pertinent problems in the sphere of education and school administration. The Ministry of Social Affairs, through the Lisbon Branch of the Committee on Social Security, would create the mechanisms required for the rationalization and co-ordination of all aid given to the Timorese refugees in Portugal by different departments and official institutions.

12/ Ibid., Plenary Meetings, 57th meeting.

23. As for humanitarian aid to Timorese inside East Timor, the Council stated that Portugal intended to participate in international relief programmes already under way through the supply of food, clothing and medicines. Portugal would also propose negotiations with Indonesia, on the understanding that such negotiations would not imply recognition of the situation prevailing in East Timor, in order to discuss the humanitarian issues affecting Portuguese citizens in East Timor who wished to return to Portugal, as well as those Timorese who wished to leave the Territory under the family reunion programme. Consideration would also be given those Timorese in Portugal who wished to return to East Timor. The Portuguese Government intended to enter into talks with the Governments of Australia, the United States and other friendly countries so as to try to obtain special facilities for the admission of refugees and immigrants from Timor.

24. The Council of Ministers further stated that, on the diplomatic level, the Portuguese Government remained faithful to its obligations and responsibilities regarding the Territory and formally reaffirmed the right of the Timorese people to self-determination. The Government would endeavour to hold wide consultations on the political and legal status of East Timor, taking into consideration both the views of the nationally representative movements of the Timorese people and the positions of the countries most directly concerned. The consultations would be carried out (a) at the parliamentary level, where all political parties represented in the National Legislative Assembly would be asked to express their views; (b) at the political level, taking into consideration the views of all the nationally representative movements of the Timorese people; and (c) at the diplomatic level, through consultations with Indonesia, the United States, Australia, Japan, China, the Netherlands, the newly independent Portuguese-speaking countries and the members of the European Economic Community (EEC). After the consultations had been carried out, the President of Portugal, in conjunction with the Government, would set forth the policies to be followed by Portugal.

25. In September 1980 it was reported that Indonesia had rejected Portugal's proposal for talks on East Timor.